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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

UNITED STATES OF AMERICA

VERSUS

JOHN ANTHONY MITCHELL

20235
CIVIL ACTION NO. 2:05CR-01
JUDGE MINALDI
MAG. JUDGE WILSON

ORDER

The defendant moved for a psychiatric evaluation pursuant to 18 U.S.C. § 4241. A hearing to determine the defendant's mental capacity is to be held if there "is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." 18 U.S.C. § 4241(a). Before the hearing, the court may order a psychiatric examination of the defendant and have the report filed as part of the record. 18 U.S.C. § 4241(b).

Based on observations and conversations, counsel for the defendant believes the defendant may be suffering from a mental defect which prevents him from assisting in his defense. The government does not oppose the defendant's motion for a psychiatric evaluation. The court finds that defense counsel's observations and opinions provide reasonable cause to believe the defendant may presently be suffering from a mental defect rendering him mentally incompetent to participate in these proceedings.

IT IS THEREFORE ORDERED that pursuant to 18 U.S.C. § 4241, the defendant shall submit to a psychiatric examination and evaluation by the appropriate Federal Medical Center

designated by the United States Bureau of Prisons and the report from the same shall be filed with the court pursuant to 18 U.S.C. § 4247(b) and (c);

IT IS FURTHER ORDERED that the United States Marshal shall transport the defendant to the Medical Center designated by the Bureau of Prisons;

IT IS FURTHER ORDERED that the examination and evaluation reports shall be forwarded in writing to:

Hon. Alonzo P Wilson
611 Broad Street, Suite 209
Lake Charles, LA 70601

Clerk of the District Court
300 Fannin Street, Suite 1167
Shreveport, LA 71101

John Luke Walker, Assistant U.S. Attorney
800 Lafayette St Ste 2200
Lafayette, LA 70501

Joseph R Streva, Jr
Federal Public Defenders Office
102 Versailles Blvd Ste 816
Lafayette, LA 70501

Dated this 15th day of November, 2005, Lake Charles, Louisiana.


ALONZO P. WILSON
UNITED STATES MAGISTRATE JUDGE